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ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATED TO THE USE OF ELECTRONIC MAIL BY CITY BOARDS AND COMMISSIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 2-1 (*City Boards*) is amended to add a new Section 2-1-49 to read:

§2-1-49 COMMUNICATIONS USING ELECTRONIC DEVICES.

- (A) In this section, “electronic communications” means communications using an electronic device to transmit text. This section does not apply to voice communications. This section does not, by reverse implication, allow voice communications that are prohibited by Texas Government Code, Chapter 551 (*Open Meetings Act*) or Subsection (D) of Section 2-1-3 (*Boards Established*).
- (B) The city clerk shall establish and maintain an electronic mail (e-mail) system for the use of City board members in conducting board business. The city manager shall provide the necessary technical support.
- (C) Except as provided in this subsection, a City board member shall use the City e-mail account provided by the city clerk under Subsection (B) for all electronic communications related to the member’s service as a board member.
- (1) Before the city clerk may furnish a City e-mail account to a board member, the member must receive training on the use of the account, and accept the terms of a user agreement to be prescribed by ordinance.
- (2) If a board member receives a communication related to the member’s service as a board member on a non-City account, the member shall promptly forward the communication to the City account furnished to the member.
- (3) A board member who does not comply with the training requirement prescribed in Subsection (B)(8) of Section 2-1-23(*Training*), or does not accept the terms of the user agreement, may not have access to a City e-mail account. A board member who does not have access to a City e-mail account may not use electronic devices for communications related to board business.

(a) Except as provided by (b), a board member who uses electronic devices for communications related to board business in violation of this subsection without prompt remedy automatically vacates the member's position, subject to the hold over provision in Section 2-1-27 (*Vacancy and Hold Over Capacity*).

(b) This subsection does not prohibit a City employee who is assigned to support a board as a job duty from contacting a board member by telephone or e-mail or prohibit the board member from responding to a communication initiated by the liaison.

PART 2. Section 2-1-23 (*Training*) of the City Code is amended to read as follows:

§ 2-1-23 TRAINING.

(A) A board member must comply with the training requirements of this section to maintain eligibility to serve on the board. Except as provided by Subsection (C), a [A]board member who does not comply with the training requirements automatically vacates the board member's [his] position, subject to the hold over provision in Section 2-1-27 (*Vacancy and Hold Over Capacity*).

(B) Each board member must complete a board course developed by City staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:

(1) a review of a board member's personal and ethical responsibilities;

(2) the role of council and staff and the council-manager form of government;

(3) the role of advisory boards in making recommendations and advising council;

(4) board procedures, including attendance and quorum;

(5) the City's business planning process;

(6) Government Code Chapter 551 (Open Meetings Act), Robert's Rules of Order, and Americans with Disabilities Act requirements; ~~and~~

(7) conflict resolution; and

(8) the use of a City e-mail account for board-related business.

67 (C) A board member who does not comply with the training requirement
68 prescribed by Subsection(B)(8) does not vacate the board member's position,
69 but is subject to the prohibition of Subsection (C)(3) of Section 2-1-49
70 (Communications Using Electronic Devices).

71 **PART 3.** Each board member serving on a City board on the effective date of this
72 ordinance shall comply with the training requirement of Section 2-1-49(B)(8) within 90
73 days of the effective date, subject to the prohibition in Section 2-1-49(C)(3). The City
74 Clerk shall notify all sitting board members of the availability of the training, the
75 deadline for taking the training, and the consequence of failing to take the training and
76 sign the user agreement prescribed by Section 2-1-49.

77 **PART 4.** The user agreement under Section 2-1-49(C)(1) of the City Code is set out in
78 Exhibit A to this ordinance and is incorporated in this ordinance for all purposes as if set
79 out in full.

80 **PART 5.** This ordinance takes effect on _____, 2012.

81 **PASSED AND APPROVED**

82
83 §
84 §
85 _____, 2012 § _____
86
87 Lee Leffingwell
88 Mayor
89

90 **APPROVED:** _____
91 Karen M. Kennard
92 City Attorney
93

ATTEST: _____
Shirley A. Gentry
City Clerk